

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

BILLY DWIGHT ESCO, #243253,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:08-cv-763-TMH
)	WO
LT. STEEL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #19) to the Recommendation of the Magistrate Judge filed on February 12, 2009 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #18) filed on February 4, 2009 is adopted;
3. Plaintiff's claims against the Alabama Department of Corrections and Commissioner Allen are DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i and (ii).
4. The Alabama Department of Corrections and Commissioner Allen are DISMISSED as parties to this complaint.
5. This case with respect to the remaining defendant is referred back to the Magistrate Judge for additional proceedings.

DONE this 5th day of March, 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE